

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Teresa L. Archer, a married person
individually,

Plaintiff,

v.

WALMART, INC.; WAL-MART REAL
ESTATE BUSINESS TRUST; WAL-MART
REALTY COMPANY, each business entities
licensed to conduct business in the state of
Washington; ROES I-X; BLACK AND
WHITE I-V, entities licensed to conduct
business in the state of Washington,

Defendants.

Civil Action No. 3:22-cv-5534

DEFENDANT WALMART INC.'S NOTICE
OF REMOVAL OF ACTION PURSUANT
TO U.S.C. SECTIONS 1332, 1441, AND 1446

TO: CLERK, U.S. DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON

AND TO: PLAINTIFFS' COUNSEL OF RECORD

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Walmart Inc. ("Walmart") hereby
removes this action from the Superior Court of the State of Washington in and for the County of
Pierce to the United States District Court for the Western District of Washington.

I. STATEMENT AND GROUNDS FOR REMOVAL

1. On or about June 2, 2022, plaintiff filed a lawsuit in Pierce County Superior Court

entitled *Teresa L. Archer v. Walmart, Inc.; Wal-Mart Real Estate Business Trust; Wal-Mart Realty Company; Roes I-X*, cause number 22-2-06723-9 (the "State Court Action"). Plaintiff served Walmart with a copy of the Summons and Complaint on June 23, 2022. Plaintiff claims that as a result of Walmart's negligence, she has suffered serious injuries, mental anguish, loss of enjoyment of life, physical disability, economic loss, and will suffer future economic loss, including future medical expenses. Therefore, the amount in controversy appears to be in excess of \$75,000. *Declaration of Julio Hernandez* at 9.

2. Walmart has answered the Complaint filed in the State Court Action. The documents attached to the *Declaration of Julio Hernandez* as Exhibit A constitute all of the pleadings filed in the State Court Action. Walmart represents that, apart from the materials attached to the *Declaration of Julio Has* Exhibit A, it has received no other process, pleadings, motions or orders in this action.

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332. There is complete diversity of citizenship between the parties because plaintiff is a residents of Pierce County, Washington. Exhibit A to *Declaration of Julio Hernandez*. Defendant Walmart is a Delaware corporation with headquarters located in Bentonville, Arkansas. Exhibit C to *Declaration of Julio Hernandez*.

4. Walmart reserves the right to amend or supplement this Notice of Removal.

5. Should plaintiff file a motion to remand this case, Walmart respectfully requests the opportunity to respond more fully in writing, including the submission of affidavits or other authority.

6. By filing this *Notice of Removal*, Walmart does not waive, and expressly reserves, all defenses available under Rule 12 of the Federal Rules of Civil Procedure.

II. INTRADISTRICT ASSIGNMENT

7. This claim is pending in the county of Pierce, Washington, and assignment to a judge in Seattle is appropriate.

III. NOTICE TO THE STATE COURT AND PROPER FILING OF RECORDS

8. A notice of the filing of this *Notice of Removal* and a true copy of this *Notice of Removal* will be filed with the Clerk of the Superior Court of the State of Washington in and for the County of Pierce as required by 28 U.S.C. § 1446(d).

9. Copies of all records and proceeding in the state court together with the *Declaration of Julio Hernandez* verifying that they are true and complete copies of all the records and proceedings in the State Court Action are filed concurrently with this *Notice*.

WHEREFORE, Walmart requests that this case currently pending in the Superior Court of Pierce County to be placed on the docket of the United States District Court for the Western District of Washington.

DATED: July 25, 2022

WOOD, SMITH, HENNING & BERMAN LLP

s/Julio Hernandez

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Attorneys for Walmart Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2022, I electronically filed DEFENDANT WALMART, INC.'S NOTICE OF REMOVAL OF ACTION PURSUANT TO U.S.C. SECTIONS 1332, 1441 AND 1446 with the Clerk of the Court using the CM/ECF.

I hereby certify that the following have been served via CM/ECF electronic service:

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DATED this 25th day of July, 2022.

/s/Keaton McKeague

Keaton McKeague
kmckeague@wshblaw.com

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